QUARTERLY REPORT

OF THE

ATTORNEY GENERAL

OF

ALABAMA

FOR THE PERIOD

FROM OCTOBER 1, 1979
THROUGH DECEMBER 31, 1979

CHARLES A. GRADDICK, Attorney General

VOLUME 177

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QUARTERLY REPORT

of the

ATTORNEY GENERAL

of

ALABAMA

For the Period

From October 1, 1979

Through December 31, 1979

TO THE STATE, COUNTY, AND MUNICIPAL OFFICERS OF ALABAMA:

This Quarterly Report of the Attorney General of Alabama, which includes all official opinions rendered by the Attorney General from October 1, 1979, through December 31, 1979, is published in compliance with the provisions of Section 36-15-1, **Code of Alabama 1975.**

Under this section of the **Code**, I am required to send seven copies of this Quarterly Report to each judge of probate in the State, and the judge of probate, in turn, is required to deliver one copy each to the clerk of the circuit court, the sheriff, the tax collector, the tax assessor, the county superintendent of education, and the deputy district attorney of his county. The section also requires that I send a copy of this report to each district attorney and the chief executive officer of each incorporated municipality in the State.

The office of the Attorney General is anxious to render prompt and efficient service to the state, county, and municipal officials. If you have any suggestions to make regarding the improvement of the service, I shall be glad to hear from you.

Sincerely,

CHARLES A. GRADDICK

Attorney General

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October 19, 1979

Honorable G.C. Dean, Jr.
State Comptroller
Department of Finance
State Capitol
Montgomery, Alabama 36130

Registrars—Compensation

Act 584, Regular Session 1978, limits the number of days that a Board of Registrars may meet collectively, but in certain counties does not limit the number of days that individual Board members may attend to business of the Board.

Opinion by Assistant Attorney General Breland.

Dear Mr. Dean:

I have received your request for a reconsideration of a prior Attorney General's opinion, which reads as follows:

"The purpose of this letter is to request a reconsideration of your official opinion written by Assistant Attorney General Breland and issued to Honorable Don Siegelman under the date of August 29, 1979, concerning Board of Registrars' meeting days and compensation.

"We have discovered a discrepancy between Section 17-4-156, Code of Alabama, 1975, and Act 584, 1978 Regular Session. The act previously mentioned was responsible for establishing Section 17-4-156; however, there is a punctuation difference occurring after the registration days prescribed for DeKalb, Elmore, Jackson, Russell and Shelby counties.

"Title 17-4-156, Code of Alabama, 1975, reads:

'...the counties of DeKalb, Elmore, Jackson, Russell, and Shelby may meet a maximum of 120 registration days each year. On any day...'

"Act 584, 1978 Regular Session, reads:

'...the counties of DeKalb, Elmore, Jackson, Russell, and Shelby may meet a maximum of 120 registration days each year and on any day...'

"As you can see, there is a period between the words 'year' and 'on' in the code which does not appear in Act 584. I feel that the difference in punctuation may alter the original intent of the legislation.

"Because of this discrepancy, I respectfully request reconsideration of the opinion issued to Mr. Siegelman."

In response to your request, I am in agreement that Section 17-4-156,

Code of Alabama 1975, does alter the meaning of Act 584. As originally written, Section 11 of Act 584 reads as follows:

> "Section 11. Session of Board; Working Days of Registrars. Each Board of registrars in the counties of Autauga, Bibb, Blount, Chambers, Cherokee, Clarke, Clay, Cleburne, Conecuh, Coosa, Crenshaw, Dale, Dallas, Escambia, Geneva, Hale, Henry, Lamar, Lawrence, Limestone, Lowndes, Marengo, Perry, Pike, Sumter, Talladega, Tallapoosa, Walker, Washington and Wilcox may meet a maximum of 120 session days each year; and each board of registrars in the counties of Barbour, Butler, Covington, Fayette, Greene, Lauderdale, Lee, Marion, Pickens, Randolph, St. Clair, and Winston may meet a maximum of 168 session days each year; and each board of registrars in the counties of Franklin, Geneva, Houston, and Marshall, Bullock and Macon may meet a maximum of 216 session days each year; and the boards of registrars in the counties of DeKalb, Elmore, Jackson, Russell and Shelby may meet a maximum of 120 registration days each year **and on any day on which the full board does not meet and the courthouse of the county is open for business, excepting Saturdays, there shall be in attendance at the courthouse one member of the board** to receive applications, administer oaths, and perform clerical duties of the board. Upon unanimous agreement of the board, one member may be designated full-time chief clerk to effectuate the provisions of this paragraph. If no unanimous agreement be reached then those members wishing to participate in such daily attendance shall alternate working days. In the counties of Chilton, Choctaw, Coffee, Colbert, Cullman, and Monroe the board of registrars may meet a maximum of 168 session days each year and on any day on which the full board does not meet and the courthouse of the county is open for business, excepting Saturdays, there shall be in attendance at the courthouse one member of the board of registrars to receive applications, administer oaths, and perform the clerical duties of the board. Upon unanimous agreement of the board, one member may be designated full-time chief clerk to effectuate the provisions of this paragraph. If no unanimous agreement be reached, then those members wishing to participate in such daily attendance shall alternate working days. The Board of Registrars of Etowah County may meet a maximum of 150 session days each year and on any day on which the full board does not meet and the courthouse of the county is open for business, excepting Saturdays, there shall be in attendance at the courthouse one member of the board of registrars to receive applications, administer oaths, and perform clerical duties of the board. Upon unanimous agreement of the board, one member may be designated full-time chief clerk to effectuate the provisions of this paragraph. If no unanimous agreement be reached, then those members wishing to participate in such daily attendance shall alternate working days.
>
> "The counties of Baldwin, Calhoun, Jefferson, Madison, Mobile,

Montgomery, Morgan, Tuscaloosa, which are now operating under the provisions of local bills shall be exempted from the provisions of this section. The actual number of session days shall be determined by a quorum of the board according to the needs of the county. As many as 25 session days may be used for special registration sessions (i.e. those sessions held away from the courthouse in the several precincts of the county or sessions held on Saturday or between the hours of 5:00 p.m. and 9:00 p.m.) which special sessions are hereby authorized. Notice of any special session scheduled by the board must be given at least 10 days prior to the session by (1) bills posted at three or more public places in each election precinct affected if the session involves precinct visits, and (2) advertisement once a week for two successive weeks in a newspaper published in the county or by radio or television announcements on a local station, or both." (Emphasis added)

Under this section, the phrase "...and on any day on which the full board does not meet and the courthouse of the county is open for business, excepting Saturdays, there shall be in attendance at the courthouse one member of the board...," applies only to the counties immediately preceding the phrase—DeKalb, Elmore, Jackson, Russell and Shelby Counties. It does not apply to the first list of counties in Section 11 of Autauga, Bibb, Blount, etc. Those counties are limited to a straight 120 session days per year. Please note that further down in Section 11 there are identical clauses which apply to Chilton, Choctaw, Coffee, Colbert, Cullman, Monroe and Etowah Counties.

As you explain in your letter, the statute as codified has a period instead of the word "and" before the phrase, "...on any day on which the full board does not meet...," thus changing the meaning of the original statute so that the above phrase became applicable to the entire section.

The Supreme Court of Alabama ruled recently, in **Lewis v. Hitt**, 370 So. 2d 1369 (Ala. S. Ct. 1979), that where an existing statute has been incorporated into the Code in a somewhat altered form, it is presumed to be incorporated without substantive change unless it is clearly made to appear that the legislature intended to change the statute's operation.

Therefore, it is my opinion that the statute should be interpreted as originally written. That portion of my prior opinion which deals with the number of days a board member may attend to business of the board applies only to those counties which have the modifying clause that one member must always be in attendance.

The remainder of the original opinion, concerning the days for which a registrar may be paid, is modified to the extent that a registrar may receive pay for more than the maximum number of days allotted only in those counties which have the clause that one member of the board must be in attendance on every day that the courthouse is open.

Sincerely,

CHARLES A. GRADDICK
Attorney General

October 19, 1979

Honorable Henry Rand
Tax Collector Colbert County
P.O. Box 71
Tuscumbia, Alabama 35674

Ad Valorem Taxes - Homestead

Section 1, Act 48, Legislature of Alabama, Code of Alabama 1975, §40-9-19(a), provides in the third sentence thereof that those classes listed in sentence three shall be entitled to a homestead exemption which is limited to 160 acres in area with no limit on value.

Opinion by Assistant Attorney General Burson.

Dear Mr. Rand:

In your request for an opinion dated August 13, 1979 you ask the following two questions with regard to the third sentence of Section 1 of Act 48 of the 1978 Legislature of Alabama, presently codified in §40-9-19(a) which provides a homestead exemption for persons who are over sixty-five years of age, disabled or blind.

"1. What is the maximum area in land in acres or contiguous lots) that may be allowed such an exemption?

"2. What is the maximum assessed value that may be allowed such an exemption?"

Section 40-9-19(a), **Code of Alabama 1975** provides that:

"Homesteads, as defined by the constitution and laws of Alabama, are hereby exempted from all state ad valorem taxes. In no case shall the exemption herein made apply to more than one person, head of the family, nor shall the said exemption exceed $2,000.00 in assessed value, nor 160 acres in area for any resident of this state who is not over 65 years of age. The homesteads of residents of this state, over 65 years of age, or who are retired due to permanent and total disability, regardless of age, or who are blind as defined in Section 1-1-3, regardless of age or whether such person is retired, shall be exempt from all state ad valorem taxes."

The subsection, supra, refers to constitutional and statutory definitions of homestead. The constitutional exemption, Section 205, Constitution of Alabama, 1901, provides as follows:

"Every homestead not exceeding eighty acres, and the dwelling and appurtenances thereon, to be selected by the owner thereof, and not in any city, town, or village, or in lieu thereof, at the option of the owner, any lot in a city, town or village, with the dwelling and appurtenances thereon owned and occupied by any resident of this state, and not exceeding the value of two thousand dollars, shall be exempt from sale on execution or any other process from a

> court; for any debt contracted since the thirteenth day of July, eighteen hundred and sixty-eight, or after the ratification of this Constitution. Such exemption, however, shall not extend to any mortgage lawfully obtained, but such mortgage or other alienation of said homestead by the owner thereof, if a married man, shall not be valid without the voluntary signature and assent of the wife to the same."

Thus the Constitution of Alabama provides that the homestead of all citizens shall be exempt from "sale, execution or other process of court issued for collection of debt." The homestead as set forth therein is limited to "eighty acres, and the dwelling and appurtenances thereon ... or in lieu thereof, at the option of the owner, any lot in a city .... and appurtenances thereon .... ." This constitutional exemption which is "self executing" **Miller v. Marx**, 55 Ala. 322 (1876); **David v. David**, 56 Ala. 49 (1876) protects the homestead from levies of all kinds, including tax levies. However, even though the homestead acreage is limited to eighty acres in the constitutional provision, it does not prohibit the Legislature of Alabama from increasing the acreage permitted in the homestead exemption. The discussion by the Supreme Court in **Miller v. Marx**, supra, is both erudite and enlightening and should be read for a clear understanding of the parameters of the constitutional provisions relating to the homestead. However, the quotation of one sentence serves to emphasize the point to be made herein; i.e., ".... The clause under discussion imposes no restraint on the legislative power to increase the exemption."

The traditional limitation of 160 acres of land the appurtenances thereon appeared at least as early as the Code of 1907. Section 4160, **Code of Alabama 1907**, provided as follows:

> "The homestead of every resident of this state, with the improvements and appurtenances, not exceeding in value two thousand dollars, and in area one hundred and sixty acres, shall be, to the extent of any interest he may have therein, whether a fee or less estate, or whether held in common or in severalty, exempt from levy and sale under execution or other process for the collection of debts during his life and occupancy, and if he leave surviving him a widow and a minor child or children, or either, during the life of the widow and minority of the child or children; but the area of the homestead shall not be enlarged by reason of any incumbrance thereon, or of the character of the estate of interest owned therein by him."

The Legislature had thus by 1907 exercised its prerogative of increasing the homestead acreage as stated in the Constitution. Thus, the definition of a homestead has come to have a specific meaning. For many years it has meant insofar as acreage is concerned, 160 acres. This is not to say that the Legislature does not have the right to change the definition or limitation. Therefore, let us examine the statute herein under construction to determine if the Legislature intended to increase the homestead for certain classes under the third sentence of Section 40-9-19(a), supra.

A reasonable interpretation of Section 40-9-19(a) is necessary since the Legislature placed no limiting factor on the classes of persons listed in the third sentence of the section. Prior to amendment, persons in the classes were exempt from $5,000 in value and 160 acres in area. The elimination of a specific acreage in the amending language presents a conundrum to some extent. However, the authors of the act which eventually resulted in Section 40-9-19(a), supra, have been consulted and their intentions, insofar as they recall, have been ascertained.

The consideration of all factors including the long standing limitation of the acreage to 160 acres, **Code of Alabama 1907**, the fact that the classes listed in sentence three were receiving $5,000 in value prior to the amendment of the section and the statement of the authors of the amendment that it was their intention to retain the traditional concept of homestead as 160 acres in area but provide for no limitation on value results in the answer to your questions as follows:

1. The maximum area in acres permitted by the third sentence of Section 40-9-19(a), supra, is 160 acres.

2. The maximum assessed value permitted by the said sentence above is unlimited.

Sincerely,

CHARLES A. GRADDICK
Attorney General

October 24, 1979

Honorable Marvin D. Driver
Tax Assessor
Montgomery County Courthouse
Montgomery, Alabama 36104

Taxation - Ad Valorem - Homestead

The automatic assessment section, Code of Alabama 1975, §40-7-10 applies to the county homestead exemption granted in Code of Alabama 1975, §40-9-19(b), as well as to the state homestead exemption in §40-9-19(a) insofar as nonvariable assessments are concerned. If variables exist as to physical condition, this opinion does not apply.

Opinion by Assistant Attorney General Burson.

Dear Mr. Driver:

Your request for opinion of the Attorney General was received on October 18, 1979. The facts you state in the request are, in part, as follows:

"On behalf of myself and other tax assessors similarly situated, I request your official opinion with regard to the following matters. As a result of the state wide reappraisal program being completed

this year, and new property values and assessment ratios being implemented under the provisions of the package of laws enacted by the Second Special Session, 1978 Legislature, commonly known as the 'lid laws', I have prepared new assessment returns for the tax year beginning October 1, 1979. Due to the time limitations and difficulties associated with the reappraisal program, these new assessment returns will not bear the signature of the taxpayers to whom the property is assessed, nor will their signatures appear on the new returns for the purpose of claiming any statutory exemptions to which they may be entitled. However, such signatures do appear on previous assessment returns maintained in my office.

"In addition to the new assessment values being implemented, the 'lid laws' created additional homestead exemptions as to county taxes, with the exception of school district taxes."

The specific question to be answered is stated in your request as follows:

"Do I have the right and authority under Section 40-7-10 to credit taxpayers on the new assessment returns for their homestead exemptions, including the newly enacted homestead exemptions as to county ad valorem taxes, without requiring each taxpayer to sign the new assessment return and sign a claim for the homestead exemption to which he is entitled, provided that such taxpayer has previously signed an assessment return and claim for homestead exemption on the same property?"

The answer to your question is in the affirmative. The basis for making such a determination is the automatic assessing provision, Code of Alabama 1975, §40-7-10. The statute provides, in part, as follows:

"The tax assessor shall have the right and authority beginning October 1, 1951, and annually thereafter, to credit any person entitled to a statutory ad valorem exemption that the tax assessor has the authority and right to grant, and who has heretofore claimed such exemption, such statutory exemption, without such person claiming same annually. Any person who shall hereafter become entitled to such statutory exemption shall make a claim to the tax assessor between October 1 and prior to January 1 of any taxable year and, if such claim is allowed shall not be required to annually thereafter repeat such claim. Any person who has claimed a homestead exemption and is entitled to same shall be annually credited with such exemption, and such homestead exemption shall encompass all additions or extensions made to the homestead structure or structures since the homestead exemption was claimed and shall encompass any additional buildings, being a part of the homestead, erected since the homestead exemption was claimed, any provision of the law to the contrary notwithstanding."

The above statute has been applied to assessments wherein the state homestead exemption was applicable since the inception of the statute in 1951. The applicability of the statute to the new county homestead exemption is readily apparent when the county homestead exemption is read in pari materia with the state homestead exemption.

The state homestead exemption is set forth, in part, in Code of Alabama 1975, §40-9-19(a), 1978 Interim Supplement, as follows:

> "Homesteads, as defined by the Constitution and laws of Alabama, are hereby exempted from all state ad valorem taxes. In no case shall the exemption herein made apply to more than one person, head of the family, nor shall the said exemption exceed $2,000.00 in assessed value, nor 160 acres in area for any resident of this state who is not over 65 years of age. The homesteads of residents of this state, over 65 years of age .... shall be exempt from all state ad valorem taxes."

The county homestead exemption which was ratified by the voters on November 7, 1978, but was retroactive to October 1, 1978, was contained in Amendment 373, Constitution of Alabama. The county homestead exemption states, in part, as follows:

> "For tax years beginning on and after October 1, 1978, homesteads, as defined by the Constitution and laws of Alabama, are hereby exempted from all ad valorem property taxes levied, except school district taxes, by any county of this state. In no case shall the exemption herein made apply to more than one person, head of the family, nor shall the said exemption exceed $2,000.00 in assessed value, nor 160 acres in area for any resident of this state who is not over 65 years of age. For residents of this state, over 65 years of age, ... the said exemption shall not exceed $5,000.00 in assessed value nor 160 acres in area. ...."

It is reiterated that when the language of the state homestead exemption is read in pari materia with the language of the county homestead exemption, the similarity of the language is evident; ergo, it follows that if a person qualifies for the state exemption, the person would, in turn, qualify for the county exemption. Thus, if the automatic assessment section, §40-7-10, supra, properly covers the person for the state exemption, the section properly covers the person for the county exemption; and the person will be entitled to automatic granting of his county homestead exemption.

The opinion is limited to the quoted portions of §§40-9-19(a) and (b) and does not attempt to deal with those portions of the statutes dealing with variables; therefore, only those portions of the statute which clearly are not subject to variation from year to year are covered by this opinion.

Sincerely,

CHARLES A. GRADDICK
Attorney General

October 29, 1979

City Council of Hanceville
c/o S. Wayne Fuller, Esq.
Attorney at Law
Cullman, Alabama, 35055

Conflicts of Interest - Municipalities - Planning Commissions

Builder/developer is not prohibited by statute from serving on Planning Commission nor required by statute to recuse himself from voting on matters generally affecting his direct pecuniary interest as a property owner or developer apart from the prohibition against voting on a matter where he has a direct or indirect beneficial interest in a contract, sale, lease or purchase to which the Planning Commission is a party. Public policy also discussed.

Opinion by Assistant Attorney General Smith

Dear Council Members:

This office has received the opinion request which presents the following factual situation:

> The Council has received numerous complaints about the manner and method in which items are being approved by the Planning Commission. It seems that there are several townspeople who are builders, developers or owners of commercial property and residential property that is being developed, who are members of the Planning Commission. They make decisions on items confronting the Planning Commission that effect their property and the development of their property. Other developers and real property owners within the City feel that there is a definite conflict of interest with the builders on the Planning Commission.

Your inquiry is:

> Therefore, we would request from your office an opinion as to whether or not a builder or developer can be a member of a City Planning Commission, and if he can, whether or not he must recuse himself from any decision making process which could effect his interest.

I have reviewed all conflict of interest statutes found in **Code of Alabama 1975** and have found no authority which would prohibit a builder or developer from serving as a member of a City Planning Commission. Therefore, your first question is to be answered in the affirmative.

It is then necessary to answer your second inquiry which is whether the builder or developer "must recuse himself from any decision making process which could effect his interest". As to decisions of the Planning Commission which could affect the potential development of the property interests of a builder or developer, your question must be answered in the negative. It should be noted, however, that under **Code of Alabama 1975**,

§36-10-14a(2), the member of the Planning Commission could not vote on contracts, sales, leases or purchases in which the Planning Commission is a party where the member of the Commission has a direct or indirect beneficial interest.

While I have found no statutory authority which would require a member of the Planning Commission to recuse himself or herself from voting on matters in which he or she has a direct pecuniary interest other than in those matters where the Commission is a party, I maintain the position that, as a matter of public policy, one holding a public position should avoid even the appearance of having a conflict of interest. However, until legislation which would be applicable to the type of situation presented by your question is enacted there is simply no legal authority for requiring members of a Planning Commission to recuse themselves from voting on matters in which they have a direct pecuniary interest where the Commission is not a party in a sale, lease, contract or purchase.

I do hope that this response fully answers your questions. If, however, we may be of further service, please do not hesitate to contact us.

Sincerely yours,

CHARLES A. GRADDICK
Attorney General

October 29, 1979

Mayor Maurice C. West
City of Graysville
Graysville, Alabama 35073

Graysville, City of — Municipalities — Public utilities

Customer's water service may not be discontinued for failure to pay amount due for gas service.

Opinion by Assistant Attorney General Smith

Dear Mayor West:

This office has received the opinion request concerning combined monthly billings to customers of the Water Works Board of the City of Graysville, a public corporation, and the Municipal Gas System owned by the City of Graysville. Your question is whether it is permissible to terminate both water and gas service when one may have been paid or to refuse to accept payment for one service until payment has been made on both services. You do note that notice is given with reference to a delinquent water and/or gas bill and that the customer has an opportunity to be heard prior to the discontinuation of the water and gas service.

It is the opinion of this office that your present policy of terminating both services when the fee for one has been paid or of refusing to accept payment for one service until payment has been made on both services is

not permissible. The provision of gas service by one entity has absolutely no connection to the provision of water service by the other entity even though you state that the City "contracts" with both entities. Therefore, it would be unreasonable, for example, to discontinue the service of providing water for failure to pay the portion of the amount due for providing gas.

I do hope that this response fully answers your inquiry. If, however, we may be of further assistance, please do not hesitate to contact us.

Sincerely yours,

CHARLES A. GRADDICK
Attorney General

October 29, 1979

Honorable Duane Lewis
Member, House of Representatives
Jefferson County
732 Castlewood Drive
Bessemer, AL 35020

Law Enforcement — Drivers License — Public Safety

When a drivers license is renewed within twelve months after the expiration date of the license, the four year duration of the renewed license shall be from the expiration date of the old license and the full fee for the renewal of the license may be charged.

Opinion by Assistant Attorney General Curtis.

Dear Representative Lewis:

This office is in receipt of your request for an opinion dated September 24, 1979, which reads as follows:

"I respectfully request your opinion on the following situation:

"Given a driver, whose license was issued on his birthday, who fails to renew in his birthdate month, but then does renew within the twelve-month grace period. Can he be issued a renewal retroactive to his most recent birthdate and be charged the full fee for a four-year license, even though the renewal period would be less than four years by the amount of time between the expiration of his old license and his renewal?"

It is my opinion that when a drivers license is renewed within twelve months after the expiration date of the license, the four year duration of the renewed license shall be from the expiration date of the old license. **Code of Alabama 1975**, §32-6-1(b). The full fee for the issuance of the renewed

license may be charged even though the license would be for a period of less than four years.

Sincerely,

CHARLES A. GRADDICK
Attorney General

October 30, 1979

Honorable John N. Pappanastos
Director of Finance
Department of Finance
State Capitol
Montgomery, Alabama 36130

Finance Department — Expenses — Officers and Employees

Unit system in computing allowable travel expenses does not apply to intrastate travel which requires an overnight stay.

Dear Mr. Pappanastos:

This office is in receipt of your request for an opinion as follows:

"Act No. 79-669 allows the Governor to increase the per diem allowance which is paid to state employees who are traveling inside the state to not more than $40.00 per day. However, I am reluctant to recommend that the Governor increase the per diem allowance, because state employees are currently paid a per diem allowance for each day they are traveling. That is, an employee who is away from his or her base over night is paid two per diem allowances or $50.00. If it were possible to pay only one per diem allowance for each night that state employees are away from their bases, I would be inclined to recommend that the Governor raise the per diem allowance from its current level of $25.00. That is, if an state employee were away from his or her base for one night, and the per diem allowance were, say, $35.00, the employee would receive $35.00.

"In view of the above, I request your opinion as to whether the Director of Finance or the Governor may promulgate a rule under which a state employee will be paid a per diem allowance for each night he or she is away from his or her base."

Section 1 of Act No. 79-669 states in part as follows:

"The maximum amount allowable to a person traveling inside the state of Alabama in the service of the state or any of its departments, institutions, boards, bureaus, commissions, councils, committees or other like agencies for expenses other than transportation may be fixed by the governor at not less than $25.00 nor more than $40.00 per day, and such maximum or limit when fixed from

time to time shall be uniform in operation as to all persons traveling within the state on official business. However, members of the legislature shall be excluded from the provisions of this section.

"No travel allowance shall be paid for a trip of less than six hour's duration. For travel which does not require an overnight stay, the traveler shall be paid a meal allowance of $5.00 for a trip of from six to 12 hours' duration, and for travel in excess of 12 hours' duration the traveler shall be paid one such meal allowance and one-fourth of the per diem allowance."

Your letter constitutes an attempt to return to the old unit system of computing travel expense allowance to state employees on an overnight stay. Please be advised that this is not permissible under Act No. 79-669. The act clearly states that the employee is entitled to an amount to be fixed by the Governor at not less than $25.00 or more than $40.00 per day. There is no authority in the act to divide this per diem into units or in any other way to pay the employee less than the amount fixed by the Governor when an employee is away from his home base overnight. When the employee is on an overnight trip, he is entitled to the full per diem for each day or part of a day that he is away from his home base.

I might add that it is my opinion that an increase in the per diem travel allowance is badly needed. The per diem allowance for an overnight stay has not been increased since 1975 and it is an undenialable fact that inflation has run rampant since that time. Attorneys and investigators from this office are required to travel all over this state on state legal matters. I know first hand that costs of motels and meals have escalated to the point that it is difficult for state employees to purchase adequate lodging and meals at the present rate. I do not believe our dedicated state employees who are required to travel on state business should be paid less than the amount it takes to adequately provide meals and lodging. I strongly recommend that the per diem expense allowance be increased as soon as possible.

Furthermore, I am aware that legislation has been enacted authorizing an increase in the amount paid for mileage while traveling in personal cars on state business. Gas prices have doubled in the past year and the present rate of 15¢ per mile is totally inadequate to cover transportation costs of state employees who use their personal cars on state business. I understand that the motor pool charges departments using motor pool cars 20¢ per mile. This is clear recognition of the actual costs of transportation. It is most unfair to reimburse state employees at a rate which is less than the amount charged by the motor pool. I recommend that the mileage allowance be increased to 20¢ which is the maximum authorized by Act No. 79-669.

For the foregoing reasons, your question is answered in the negative. Neither you nor the Governor may deviate from the statutory requirement of paying a full per diem allowance to state employees for each day or part of a day he is away from his home base on an overnight trip.

Sincerely yours,

CHARLES A. GRADDICK
Attorney General

October 31, 1979

Honorable Lewey Stephens, Jr.
Executive Director
Office of Prosecution Services
200 South Hull Street
Montgomery, Alabama 36104

Courts — Municipal Ordinance Cases — Docket Fee Distribution

District Attorney's Fund is entitled to receive a portion of docket fees collected in municipal ordinance cases in district and circuit courts.

Opinion by Assistant Attorney General Solomon

Dear Mr. Stephens:

I have received your request for an opinion as to whether the district attorney's fund is entitled to any portion of docket fees collected in municipal ordinance cases brought in district court from those municipalities whose municipal courts have been abolished and in cases of appeals de novo from municipal courts to circuit courts.

It is my opinion that the district attorney's fund is entitled to receive a portion of the docket fee collected in all municipal ordinance cases in the district and circuit courts in the amounts and in the manner set out in **Code of Alabama 1975**, Sections 12-19-173 through 12-19-179. The reasons for distributing such fees in this manner are set out in an opinion of this date to Mr. B.G. Bryant and I am enclosing a copy of this opinion herein.

If this office can be of further assistance, please do not hesitate to call on us.

Sincerely yours,

CHARLES A. GRADDICK
Attorney General

October 31, 1979

Mr. B.G. Bryant, Chairman
Board of Commissioners
Alabama Peace Officers'
Annuity and Benefit Fund
P.O. Box 2186
Montgomery, Alabama 36103

Courts — Municipal Ordinance Cases — Docket Fee Distribution

Docket fees collected in municipal ordinance cases in district

and in circuit courts should be distributed in accordance with **Code of Alabama 1975**, Sections 12-19-173 through 12-19-179, with the exception that the municipality is entitled to 10% of the docket fee in each such case, which is payable from that portion of the docket fee allocated to the county general fund.

Opinion by Assistant Attorney General Solomon

Dear Mr. Bryant:

I have received and considered your request for an opinion as to whether the Alabama Peace Officers' Annuity and Benefit Fund is entitled to receive any portion of the docket fee in municipal ordinance cases from those municipalities which have elected to come under the district court system or in cases of appeal de novo from a municipal court and conviction of the defendant in the circuit court.

It is my opinion that the Alabama Peace Officers' Annuity and Benefit Fund is entitled to a portion of the docket fee in municipal ordinance cases in district and circuit court as it is entitled in other cases of the same type and the same court level.

Pursuant to Section 12-19-172, **Code of Alabama 1975**, the following docket fees are collected for municipal ordinance cases in district court:

(1) Ordinance violations	$35.00
(2) Moving traffic violations	22.50
(3) Nonmoving traffic violations and alias writ arising therefrom	5.00
(4) Bond forfeiture	15.00

On appeals de novo from the municipal court to the circuit court, the docket fee collected is $35.00

With respect to the distribution of docket fees collected in municipal ordinance cases in district and circuit courts, Section 12-19-154, **Code of Alabama 1975**, provides the following:

> (a) Docket fees, fines and forfeitures collected in municipal ordinance cases in district court and in circuit court shall be distributed as follows:
>
> (1) Ninety percent (90%) of the docket fee to the state general fund and ten percent (10%) to the municipality;...
>
> (b) The municipal share of the docket fee is payable from that portion of the docket fee allocated to the county general fund, which allocation shall be reduced accordingly in all municipal ordinance cases.

As you note in your request, the docket fees for municipal cases in district and circuit court are currently distributed according to Section 12-19-154(a)(1). However, pursuant to Section 36-21-67, **Code of Alabama 1975**, the Alabama Peace Officers' Annuity and Benefit Fund is specifically entitled to certain prescribed portions of the court costs in all proceed-

ings involving state as well as municipal ordinance violations which are tried in any court or tribunal in this state. But as a result of the language in the above quoted Section 12-19-154(a)(1), this fund currently receives these prescribed amounts only in those proceedings involving state violations under the docket fee distribution schedules found in Sections 12-19-173 through 12-19-179, **Code of Alabama 1975**. Thus, Section 12-19-154(a)(1) conflicts with the general statutory scheme of docket fee distribution found in these sections of the **Code** because it contains no provision for allocations to the Alabama Peace Officers' Annuity and Benefit Fund or any other statutorily prescribed fund entitled to a portion of the court costs.

Not only is Section 12-19-154(a)(1) in conflict with the entire statutory scheme of docket fee distribution, it also conflicts with Subsection (b) of the same statute. To the contrary, however, Section 12-19-154(b) is in harmony with the general statutory scheme of docket fee distribution. By providing that the municipalities' share of the docket fee in municipal ordinance cases in district and circuit court is payable from that portion of the docket fee allocated to the county general fund, Section 12-19-154(b) clearly indicates an intent that portions of these docket fees are to be allocated to the Alabama Peace Officers' Annuity and Benefit Fund as well as to other funds designated in Sections 12-19-173 through Section 12-19-179.

Accordingly, it is my opinion that docket fees in all municipal ordinance cases in district and circuit court be distributed in accordance with Sections 12-19-173 through 12-19-179, with the exception that the municipalities shall receive ten percent (10%) of the total docket fee payable from that portion of the docket fee allocated to the county general fund, which allocation shall be reduced accordingly.

Following the issuance of this opinion, docket fees in municipal ordinance cases in district and circuit court should be as follows:

(1) **Ordinance violations - District Court**

Peace Officers' Annuity and Benefit Fund	$ 5.00
Fair Trial Tax Fund	2.00
State General Fund	8.00
County General Fund	1.50
State General Fund (Arrest Fee)	5.00
District Attorney Fund	10.00
Municipality	3.50

(2) **Moving traffic violations — District Court**

Peace Officers' Annuity and Benefit Fund	$ 1.00
Fair Trial Tax Fund	2.00
Driver Education Fund	1.00
State General Fund	8.00
County General Fund	.75
State General Fund (Arrest Fee)	5.00
District Attorney Fund	2.50
Municipality	2.25

(3) **Nonmoving traffic violations and alias writ arising therefrom — District Court**

State General Fund	$ 4.50
Municipality	.50

(4) **Bond forfeiture — District Court**

Fair Trial Tax Fund	$ 2.00
State General Fund	8.00
County General Fund	3.50
Municipality	1.50

(5) **Appeals de novo — Circuit Court**

Peace Officers' Annuity and Benefit Fund	$ 5.00
Fair Trial Tax Fund	2.00
State General Fund	8.00
County General Fund	6.50
District Attorney Fund	10.00
Municipality	3.50

If our office can be of further assistance, please do not hesitate to call on us.

Sincerely,

CHARLES A. GRADDICK
Attorney General

November 2, 1979

Honorable Jerry Shoemaker, Director
Department of Public Safety
State of Alabama
Public Safety Building
Montgomery, AL 36130

Law Enforcement — Health Service — Blood Test

The **Code of Alabama 1975**, §32-5-193 does not expressly provide civil and criminal immunity to the employer of those individuals listed in this section but an employer would incur no liability where a blood test is properly administered by an employee.

Opinion by Assistant Attorney General Curtis.

Dear Colonel Shoemaker:

This office is in receipt of your request for an opinion dated August 28, 1979, which reads as follows:

"This Department would like to have an opinion concerning the provisions of §32-5-193, Subsection G.

"This subsection states that no physician, registered nurse or clinical laboratory technologist or clinical laboratory technician shall incur any civil or criminal liability as result of a proper administering of a blood test when requested in writing by a law enforcement officer to administer such a test.

"My request is as follows:

"Does the above exemption from civil or criminal liability include the hospital and it's employees?"

The **Code of Alabama 1975**, §32-5-193 does not expressly provide civil and criminal immunity to the employer of those individuals listed in this Section. It is my opinion that the employer of any of those individuals listed in §32-5-193 would incur no liability where the blood test is properly administered. Neither would a medical facility incur any liability if a blood test is properly administered in such a facility by a non-employee at the direction of a law enforcement officer.

Sincerely,

CHARLES A. GRADDICK
Attorney General

November 5, 1979

Honorable R.G. Britton
Commissioner, Board of Corrections
101 South Union Street
Montgomery, Alabama 36130

State Employees — Board of Corrections — Law Enforcement Officers

Law enforcement officers are entitled to either time and one-half pay or compensatory leave for hours worked in excess of forty (40) per week.

Opinion by Assistant Attorney General Greenhaw

Dear Commissioner Britton:

We received your request for an opinion of this office wherein you ask whether law enforcement personnel in either the Board of Corrections or other State agencies can provide certain services in addition to their regular duties and be paid less than one and one-half times their regular pay for hours in excess of forty (40) during a work week or not be given compensatory leave.

Your question is answered in the negative. §36-21-4, **Code of Alabama 1975**, provides that each State law enforcement officer who works in excess of forty (40) hours per week shall either be paid time and one-half his regular pay or be given time and one-half compensatory leave for such

excess hours worked. This statute would be just as applicable to the situation described here where law enforcement personnel would be hired under contract as where they are not. The Personnel Department has also issued a regulation which basically follows the statute.

You also ask whether you may contract with law enforcement personnel of other State agencies. The Personnel Department has always taken the position that supplemental employment of State employees by a State agency to perform additional duties to those the employee already performs is not appropriate as this would be in the nature of dual employment and compensation and this office concurs with this position.

I trust this satisfactorily answers your questions.

Very truly yours,

CHARLES A. GRADDICK
Attorney General

November 5, 1979

Honorable John L. Moore
Judge of Probate
Mobile County Courthouse
Post Office Box 7
Mobile, Alabama 36601

Elections — Probate Judges — Publication

Judge of Probate is not required to publish list of voters prior to Presidential Preference Primary.

Opinion by Assistant Attorney General Stephens

Dear Judge Moore:

I have received and considered your request for an Attorney General's opinion in which you asked whether Judges of Probate are required by state law to publish a list of qualified electors prior to the Presidential Preference Primary or only prior to the regular September Primary or both.

Section 17-4-129, **Code of Alabama 1975**, provides, in pertinent part:

> "The judge of probate shall publish a correct alphabetical list of qualified electors by precinct, district or subdivision wherein each elector is registered to vote, in some newspaper with a general circulation in the county, on or before the twentieth day preceding the regularly scheduled primary election. ..."

This provision is a part of our General Election Law and has been for many years. A Presidential Preference Primary election will be held for the first time in Alabama in 1980 pursuant to Sections 17-18A-1, **et seq.**, **Code of Alabama 1975**. Section 17-18A-2 provides that Section 17-7-1 and

Chapter 16 of Title 17 of the **Code of Alabama** shall apply to Presidential Preference Primaries but makes no reference to Section 17-4-129.

It is my opinion that the "regularly scheduled primary election" referred to in Section 17-4-129 is the General Primary held in September and the Legislature has not extended the requirements of this section to Presidential Preference Primaries. Consequently, it is my opinion that Judges of Probate are required to publish lists of qualified electors only before the September Primary and not before the Presidential Preference Primary.

Sincerely,

CHARLES A. GRADDICK
Attorney General

November 8, 1979

Honorable Ken Malone
Tax Assessor, Mobile County
P.O. Box 2925
Mobile, Alabama 36601

Taxation — Ad Valorem — Exemption

Acts 48 and 91, Second Special Session, Legislature of Alabama 1978, codified as **Code of Alabama 1975**, §§40-9-19 and 40-9-21, 1978 Interim Supplement, require proof of age and proof of permanent and total disability and/or total disability; once the proof of age 65 has been made to the satisfaction of the tax assessor, the assessor may automatically accept the age in future years in granting the homestead exemption; since the question of disability is a variable, the taxpayer must furnish proof the first year; thereafter, if the tax assessor wishes, he may send a form to the claimant and the claimant can reassert his disability status and claim his exemption year after year without appearing at the tax assessor's office.

Opinion by Assistant Attorney General Burson.

Dear Mr. Malone:

Your recent requests for opinion concerning proof of age and proof of "permanent and total disability" and "total disability" as required by Acts 48 and 91, Second Special Session, Legislature of Alabama 1978, Codified as **Code of Alabama 1975**, §§49-9-19 and 40-9-21, 1978 Interim Supplement, have been consolidated for the rendition of an opinion. You refer to the automatic assessment procedure authorized by the Legislature which is utilized in most counties in Alabama. Thereafter, you pose the following questions:

"Under Act 91 and 48 of the Second Special Session of the 1978

Alabama Legislature, once a claimant has established his qualifications by being over 65 years of age, the question arises, is it necessary to furnish proof again of being qualified when signing a new assessment?

* * *

"Once a claimant has established his permanent and total diability, is it necessary for future years to furnish proof and claim this exemption annually?"

The answer to your first question is obvious. Once a person establishes to the satisfaction of the tax assessor that he has attained the age of 65 or older in the claiming of his exemption under §§40-9-19 or 40-9-21, it is not required that he return again in future years to the tax assessor's office concerning his age.

However, the second question requires an examination of the language of the statutes. Section 40-9-19, supra, uses the language "due to permanent and total disability." The same language is used in subsection (a) and (b) of §40-9-19.

On the other hand, §40-9-21, supra, uses the words "totally disabled." It would appear on a casual examination of the two phrases, "permanently and totally disabled" and "totally disabled" that the one phrase with the addition of the word permanent would connote a much more serious disability than would the words "totally disabled" standing alone. However, such is not the case when the legal definitions of "permanently and totally disabled" and "totally disabled" are examined and applied.

42 Words and Phrases, Permanently and Totally Disabled 1979 Pocket Part, pp. 14-16 and Totally Disabled, 1979 Pocket Part, pp. 16-20, adequately establish the premise that the state of permanent and total disability and of total disability are variable within the meaning of the law. A few quotations from the annotation will serve to emphasize the issue. 42 Words and Phrases, Totally and Permanently Disabled, p. 16 states as follows:

"**In general** — Standard for determining whether a city fire fighter is 'totally and permanently disabled' for purpose of entitlement to disability retirement benefits is bottomed upon the employee's ability to resume his former position; a fire fighter is 'totally and permanently disabled' if he cannot perform the task in which he was employed prior to his injury, whether or not be can pursue another occupation. Knight v. Board of Trustees of Firemen's Retirement and Pension Fund of Columbia Fire Dept., 239 S.E.2d 720, 269 S.C. 671.

"Skilled workman is 'totally and permanently disabled' if he is unable to perform the same or similar duties he was performing at the time of accident. Arnold v. Liberty Mut. Ins. Co., La. App., 253 So.2d 226, 227.

"A claimant is 'totally and permanently disabled' when he is deprived of his capacity to do work of the same or similar descrip-

tion that he is accustomed to performing. Ellerman v. Insurance Co., of North America, La.App., 209 So.2d 519, 521.

"Where an employee cannot perform his customary and usual duties without suffering substantial pain and discomfort he is considered 'totally and permanently disabled.' Meche v. Employees Liability Assur. Corp., La. App. 206 So.2d 152, 154.

"An employee who is by training, experience, status, and education, engaged in a specialized trade, and whose injury prevents him from continuing in that trade is 'totally and permanently disabled' within meaning and contemplation of the Employer's Liability Act. Brannon v. Zurich General Acc. & Liability Ins. Co., 69 So.2d 1, 2, 3, 224 La. 161."

Thus, permanent and total disability may exist at one time but not exist at a later time. We have a variable in claiming the exemptions under §§40-9-19 and 40-9-21. Therefore, a mode must be found to bridge the variable that will satisfy the statute and not make it difficult for disabled persons to claim the exemptions. The statutes place the burden of establishing permanent and total disability and total disability upon the person claiming the exemption. Thus, the initial claim for the exemption must be made to the assessor together with proof of disability. However, once the proof of disability has been received to the satisfaction of the assessor, the assessor and the person claiming the exemption have joint responsibility for assuring that any change in the status of the disability of the taxpayer is properly noted. It is suggested, as one solution, that the second year and each thereafter, once the exemption has been properly claimed, the tax assessor mail a form to each person claiming to be permanently and totally disabled or totally disabled under §§40-9-19 and 40-9-21 on which form the taxpayer will again attest to his disability. By the above method, the apparent intent of the Legislature will be satisfied and the disabled persons will, likewise, be relieved of the onus of having to give proof each year. the exemption could be automatically extended on the basis of the written statement of the taxpayer to the tax assessor.

Sincerely,

CHARLES A. GRADDICK
Attorney General

December 6, 1979

Mr. A.W. Kuhn, Executive Director
The Housing Authority of the City of Bessemer, Alabama
Central Office
1100 5th Avenue, N.
Bessemer, Alabama 35020

Competitive Bid Law — Municipalities — Public Housing Authorities

Municipal housing authorities may utilize the Federal Consolidated Supply Contract price as a bid under the Alabama Competitive Bid Law.

Opinion by Assistant Attorney General Robinson

Dear Sir:

I have received your recent letter in which you request an opinion of this office. Your request reads, in pertinent part, as follows:

> "...The Department of Housing and Urban Development in Washington, D.C. accepts bids and specifications periodically from various manufacturers producing items needed by Public Housing Authorities throughout the nation. It then instructs Public Housing Authorities that they may make purchases without bidding so long as they purchase such previously considered items as are listed in what is known as the Consolidated Supply Contract. This Contract provides items at the lowest cost possible and allows low rent, non-profit Public Housing Authorities to operate and exist with very limited funds.
>
> If purchases are made by Public Housing Authorities throughout the nation outside of this Consolidated Supply Contract, then formal bids must be obtained in a manner similar to the Alabama Bid Law.
>
> Another thought worthy of consideration is based on the presumption that the Alabama Bid Law was created and adopted for the protection and proper administration of State funds. It should be firmly noted here that all funds handled by Public Housing Authorities are Federal funds and therefore a question remains concerning the applicability of the Alabama Bid Law to Federal funds.
>
> If there is any merit in the presentation of these facts it is being respectfully requested that consideration be given to providing a decision or an opinion by your office which would exempt Public Housing Authorities from the Alabama Bid Law where purchases are made from the Federally approved Consolidated Supply Contract. Where purchases are made outside of such Consolidated Supply Contract, with Federal funds, then such purchases are subject to the Federal requirements for such purchases ..."

In Quarterly Report of the Attorney General, Volume 128, page 36, it was held that the Alabama Competitive Bid Law, which is now found in **Code of Alabama 1975**, Section 41-16-50 through Section 41-16-63, did apply to municipal housing authorities no matter what the source of funds used to make a purchase. It was also held in that same opinion that the Consolidated Supply Contract could not be used in lieu of taking bids under the Alabama Competitive Bid Law. In addition, it was held that the Consolidated Supply Contract could not be considered as a bid under the Alabama Competitive Bid Law. This latter finding was reiterated in Quarterly

Report of the Attorney General, Volume 129, page 9, because of the requirement that all bids be sealed. Volume 129, page 9, supra, reads in pertinent part as follows:

> "It could be argued that the requirement that submitted bids be sealed is only for the protection of the bidder and should not apply under the facts presented. However, since the courts have not heretofore ruled upon the problem presented, I am of the opinion that the ... [requirement] should be mandatory."

It is my opinion that the requirement that bids be sealed is merely for the protection of the prospective bidders. However, the Consolidated Supply Contract price is a known quantity and I cannot see any reason for not considering the Consolidated Supply Contract price along with other bids which are submitted. In many instances the Consolidated Supply Contract price will be the low bid because of the great volume on which the Consolidated Supply Contract bid is based. To prevent a public agency from accepting the Consolidated Supply Contract as a bid merely because it is not in a sealed envelope was surely not the Legislature's intent. Therefore, in my opinion, the Consolidated Supply Contract price may be considered along with all other bids in determining the low bidder under the Alabama Competitive Bid Law. Insofar as the opinions found in Volume 128, page 36, supra, and Volume 129, page 9, supra conflict with my opinion, they are hereby overruled.

It is obvious that from an efficiency and cost savings viewpoint that resort to the Consolidated Supply Contract would be preferable in most instances to the solicitation of competitive bids. However, the Alabama Legislature has set out a procedure whereby all expenditures made by a public housing authority for an item or group of like items in excess of $2,000.00 must be let for competitive bid pursuant to Section 41-16-50 through Section 41-16-63.

If I may be of any further assistance to you regarding this matter, please do not hesitate to contact me.

Very truly yours,

CHARLES A. GRADDICK
Attorney General

December 21, 1979

Honorable Bobby Day
Judge of Probate
Morgan County
P.O. Box 848
Decatur, Alabama 35602

Counties — Executors and Administrators — Fees and Commissions

Section 43-2-681, **Code of Alabama 1975**, does allow commissions to be paid to executors and administrators for distributions which they make from an estate.

Opinion by Assistant Attorney General Breland

Dear Judge Day:

This is in response to your request for an opinion from this office regarding estate distributions, which reads as follows:

> "Please render an opinion in regards to the exception in the Code of Alabama, 1975, Title 26, Chapter 5, Section 16, concerning the commissions of guardians which allows two and one-half percent on disbursements and two and one-half percent on receipts, with the exception of the amount on hand at settlement, which is not considered a disbursement.
>
> "Does the above Title 26, Chapter 5, Section 16 also apply to Title 43, Chapter 2, Section 680, in allowing commissions for executors and administrators?
>
> "The code allows for commissions on receipts and disbursements, but does not mention distributions."

In answer to your question, **Code of Alabama 1975**, §43-2-681, provides:

> "Upon the appraised value of all personal property and the amount of money and solvent notes **distributed** by executors or administrators, they shall be allowed the same commissions as upon disbursements. For selling lands solely for division, they shall be allowed two and one-half percent commission on the amount received, but in no case more than $100.00; except, that when sold under the terms of a will, this section shall not apply." [Emphasis added]

As you can see, this section allows for commissions on distributions of personal property and lands. In a case construing this section, **Henry v. Griffith**, 242 Ala. 598, 7 So. 2d 560 (1942), the Alabama Supreme Court found that commissions on disbursements during the course of the administration do not cover all commissions due upon final settlement and distribution of the estate. The Court then cited prior cases for the proposition that executors or administrators should be allowed the same commissions as upon disbursements for the amount of money and solvent notes they distributed.

Based upon the above authority, it is my opinion that administrators and executors are allowed commissions on distributions, as well as on receipts and disbursements.

Yours very truly,

CHARLES A. GRADDICK
Attorney General

INFORMAL OPINIONS

During the period October 1, 1979, through December 31, 1979, the Attorney General rendered the following informal opinions:

Subject	Addressee	Date	File
	— A —		
AD VALOREM			
Standard Club not tax exempt.	Marvin D. Driver	Oct. 15	3
Ad Valorem—Taxation—Exemptions	Madge Flemming	Oct. 15	7
Ad Valorem—Tax Assessors	A.A. Chandler	Oct. 19	24
Ad Valorem—Boards of Education	Robert W. Clemmons	Oct. 29	33
Ad Valorem—Boards of Education	Carl M. Boley	Oct. 29	32
Section 40-7-15, **Code of Alabama 1975**, construed.	Ralph P. Eagerton, Jr.	Oct. 29	Revenue
Duplex not entitled to homestead exemption.	B.P. Lovelace, Jr.	Nov. 21	55
Taxation—Ad Valorem—Homestead	T.D. Little	Nov. 21	59
Tax Assessor may reclassify property under circumstances stated.	Wayland Cooley	Nov. 21	63
AGENCY FOR FEDERAL PROPERTY ASSISTANCE			
Agency for Federal Property Assistance—Inspections	N.J. Kitchens	Nov. 29	Agency for Fed. Prop.
ALBERTVILLE, CITY OF			
Municipalities—Real Estate—Sale and Lease	Jimmy F. Carnes	Oct. 19	23
ALCOHOLIC BEVERAGE CONTROL BOARD			
Constitutionality of Act 79—812 to be determined by Courts.	Joe B. Broadwater	Dec. 6	A.B.C. Bd.

ANNUAL LEAVE			
State Employees—Annual Leave	John W. Pemberton	Nov. 21	65
APPROPRIATION			
Colleges and Universities—Funds—Salaries	James R. Raiford	Oct. 15	Finance
Finance—Appropriations—Sports Hall of Fame	John N. Pappanastos	Nov. 21	Finance
Dauphin Island Park and Beach Board—Reversions	Thomas M. Galloway	Dec. 6	68
ARCHITECTS			
Architects—License—Municipalities	Charles L. Murphree	Dec. 14	79
ATTALLA, CITY OF			
Municipalities—Prisons and Prisoners	Clarence F. Rhea	Dec. 14	80
ATTORNEYS			
Attorneys—Conflict of Interest—Municipal Court	Arthur F. Fite, III	Dec. 6	71
—B—			
BLOUNT COUNTY			
Blount County Memorial Hospital Directors—Reimbursed for actual expenses	Jack Bains	Nov. 2	43
BONDS			
Surface Mining Reclamation Commission—Forfeiture—Reclamation Bonds	Virgil Willett	Oct. 15	SMRC.
BUILDING COMMISSION			
Building Commission—Funds—Contracts	James Sasser	Oct. 29	27

Subject	Addressee	Date	File
BLOUNT COUNTY Bullock County-Funds—Elections	William W. Dillard, Jr.	Nov. 21	Exam of Pub. Accts.
BUTLER COUNTY Tax Assessor on salary entitled to coverage—County insurance plan.	Carolyn R. Middleton	Oct. 15	10
	— C —		
CALHOUN COUNTY Secretary of Calhoun County Commission subject to civil service system.	Guy Sparks	Oct. 15	12
CHILTON COUNTY Chilton County Commission—Expense Allowance—Statute of Limitations	John H. Jackson, Jr.	Dec. 6	67
CHOCTAW COUNTY Choctaw County—Court Costs—Taxation	Faye M. Brown James A. Christopher	Nov. 21	64
CITY COMMISSIONERS Municipalities—Salaries—City Commissioners	James L. Sparks	Oct. 15	8
CIVIL SERVICE Gadsden, City of—Fire Marshals and Inspectors—Civil Service	Roger W. Kirby	Dec. 14	76
COFFEE COUNTY Coffee County—Sales Tax—Jails	James L. Sawyer	Oct. 11	1

COLBERT COUNTY			
Colbert County—Salary—District Judges	Bruce Gargis	Dec. 14	82
COLLEGES AND UNIVERSITIES			
Colleges and Universities—Funds—Salaries	James R. Raiford	Oct. 15	Finance
Colleges and Universities—Real Property—University of Montevallo	Walter Owens	Oct. 26	26
COMMISSIONS			
Tax Assessors—Commissions—Motor Vehicles	C.L. Ingram	Oct. 29	34
COMMUNITY DEVELOPMENT PROGRAM			
Gadsden, City of—Funds—Community Development Program	Roger W. Kirby	Dec. 7	76
COMPENSATION			
Act 79-567, Alabama Legislature 1979, construed.	Charles R. Adair, Jr.	Oct. 15	9
Tax Assessor on salary entitled to coverage—County insurance plan.	Carolyn R. Middleton	Oct. 15	10
COMPETITIVE BID LAW			
Repair road equipment by counties governed by county bid law.	Jack Floyd	Oct. 15	6
Hospitals—Contracts—Competitive Bid Law	Ralph Smith, Jr.	Oct. 29	29
Competitive Bid Law—Contract—Self-Insurance Program	Doug Cook	Nov. 2	41
Competitive Bids—Contracts—Data Processing Equipment	John N. Pappanastos	Nov. 8	Finance
Jackson County—Contracts—Medical Clinic Boards	John E. Adams	Nov. 21	62
Board of Education—Conflict of Interest—Competitive Bid	Wayne Pope	Dec. 6	74

Subject	Addressee	Date	File
Contracts—Competitive Bids—Emergencies	John N. Pappanastos	Dec. 14	Finance
Health Department—Contracts—Competitive Bids	Ira L. Myers	Dec. 14	Health
Board of Corrections award contract on design and build principle.	R.G. Britton	Dec. 20	Corrections
CONECUH COUNTY			
Board of Education—Conflict of Interest—Competitive Bid	Wayne Pope	Dec. 6	74
CONFLICTS OF INTEREST			
Attorneys—Conflict of Interest—Municipal Court	Arthur F. Fite, III	Dec. 6	71
Board of Education—Conflict of Interst—Competitive Bid	Wayne Pope	Dec. 6	74
District Attorneys—Municipal Court Judge—Conflict of Interest	Fitzhugh A. Burttram	Dec. 14	81
CONSERVATION DEPARTMENT			
Conservation Department—Law Enforcement Officers	Jimmy B. Pool	Oct. 29	28
Conservation Department—Reorganization	Richard A. Forster	Dec. 6	Conservation
CONSTITUTION			
Elections—Constitution—Presidential Preference Primary	J.T. Waggoner, Jr.	Oct. 29	37
CONTRACTS			
Hospitals—Competitive Bid Law—Contracts	Ralph Smith, Jr.	Oct. 29	29

Building Commission—Funds—Contracts	James Sasser	Oct. 29	27
Competitive Bid Law—Contract—Self-Insurance Program	Doug Cook	Nov. 2	41
Competitive Bids—Contracts—Data Processing Equipment	John N. Pappanastos	Nov. 8	Finance
Mental Health—Contract—Recruiter—Expenses	Glenn Ireland, II	Nov. 21	Mental Health
Boards of Education purchase buses through lease-purchase.	Larry Dixon	Nov. 21	61
Jackson County—Medical Clinic—Contracts—Competitive Bid Law	John E. Adams	Nov. 21	62
Highway—Rental Tax—Leases—Contracts	Rex K. Rainer	Dec. 6	Highway
Attorney-client relationship terminated by Bd. of Education	Evans H. Harris	Dec. 6	72
Contracts—Competitive Bids—Emergencies	John N. Pappanastos	Dec. 14	Finance
Health Department—Contracts—Competitive Bids	Ira L. Myers	Dec. 14	Health
Board of Corrections award contract on design and build principle.	R.G. Britton	Dec. 20	Corrections
Pickens County—Public School and College Authority—Contracts	William W. Carpenter	Dec. 28	85

Subject	Addressee	Date	File
COOSA COUNTY			
Coosa County—Coroner—Expense Allowance	Lister Hill Proctor	Oct. 15	4
CORONER			
Coosa County—Coroner—Expense Allowance	Lister Hill Proctor	Oct. 15	4
CORRECTIONS, BOARD OF			
Madison County—Establish State/ County Work Release Program	R.G. Britton	Oct. 15	Corrections
Corrections—Sentences—Prisons and Prisoners	R.G. Britton	Dec. 6	Corrections
Board of Corrections award contract on design and build principle.	R.G. Britton	Dec. 20	Corrections
Inmates refusing psychological tests may be disciplined.	R.G. Britton	Dec. 21	Corrections
CORRUPT PRACTICES ACT			
Filing requirements—Corrupt Practices Act	Don Siegelman	Nov. 21	Secretary of State
COSMETOLOGY, BOARD OF			
Danny O'Neal qualified to serve on Bd. of Cosmetology.	Billie K. Jehle	Nov. 2	Cosmetology
COUNCIL MENTAL HEALTH-MENTAL RETARDATION			
Mental Health—Dues—Council Mental Health-Mental Retardation	O.D. Alsobrook	Oct. 19	17
COUNTIES			
Repair road equipment by counties governed by county bid law.	Jack Floyd	Oct. 15	6

Secretary of Calhoun County Comm. subject to civil service system.	Guy Sparks	Oct. 15	12
County Revenue Commissioner's Office—Employees—Salaries	Robert H. Kirksey	Oct. 19	15
Captive Counties—Road and Bridge Fund	Mack V. McCollum	Dec. 6	48
COUNTY COMMISSION			
Secretary of Calhoun County Comm. subject to civil service system.	Guy Sparks	Oct. 15	12
COURTS			
Choctaw County—Court Costs—Taxation	Faye M. Brown	Nov. 21	64
State agencies are not required to prepay docket fees.	James A. Christopher William J. Davis	Dec. 21	Industrial Relations
CRENSHAW COUNTY			
Crenshaw County—District Court—Judges—Salaries	I.T. Harbin	Oct. 19	16
CRIMINAL LAW			
Statutes—Criminal Law—Spot Lighting	David K. Howard	Oct. 29	35
District Attorneys—Venue—Forgery—Criminal Law	S. Sanford Holliday	Nov. 21	56
CURFEW			
Sheriff has no authority to impose curfew.	H.E. Swearingen	Nov. 2	45
— D —			
DAUPHIN ISLAND PARK AND BEACH BOARD			
Dauphin Island Park and Beach Board—Appropriations—Reversion	Thomas M. Galloway	Dec. 6	68

Subject	Addressee	Date	File
DECATUR, CITY OF			
Decatur, City of—Self-Insurance Program	Bill J. Dukes	Dec. 14	77
DeKALB COUNTY			
Constitutionality of Act 79-346 to be determined by courts.	Leo A. Grimes	Nov. 2	44
Highway Department—Captive Counties—Employee Benefits	Mack V. McCollum	Nov. 2	48
Captive Counties—Road and Bridge Fund	Mack V. McCollum	Dec. 6	48
DISTRICT ATTORNEYS			
District Attorneys—Funds—Professional Organizations	Jimmy Evans	Oct. 19	14
District Attorneys—Venue—Forgery—Criminal Law	S. Sanford Holliday	Nov. 21	56
District Attorneys—Municipal Court Judge—Conflict of Interest	Fitzhugh A. Burttram	Dec. 14	81
DISTRICT COURT			
Crenshaw County—District Court—Judges—Salaries	I.T. Harbin	Oct. 19	16
DISTRICT JUDGES			
Tallapoosa County—District Judges—Expense Allowance	Eldon Sharpe	Nov. 2	42
Colbert County—District Judges—Salary	Bruce Gargis	Dec. 14	82
DOTHAN, CITY OF			
Mayor and Commissioners of Dothan—Salary increase discussed.	Wade H. Baxley	Oct. 19	18

DUAL OFFICEHOLDING			
Juvenile Probation Officer partially compensated by county may not serve on County Comm.	Ronald J. Green	Nov. 21	54
DUES			
Mental Health—Dues—Council Mental Health—Mental Retardation	O.D. Alsobrook	Oct. 19	17

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EDUCATION, BOARDS OF			
Ad Valorem Taxes—Boards of Education	Robert W. Clemmons	Oct. 29	33
Ad Valorem Taxes—Boards of Education	Carl M. Boley	Oct. 29	32
Boards of Education purchase buses through lease-purchase.	Larry Dixon	Nov. 21	61
Attorney-client relationship terminated by Bd. of Education.	Evans H. Harris	Dec. 6	72
Walker County—Boards of Education—Professional Leave	John T. Brown	Dec. 6	73
Board of Education—Conflict of Interest—Competitive Bid	Wayne Pope	Dec. 6	74
ELECTION OFFICIALS			
Elections—Election Officials—Voting	G.M. Smitherman	Dec. 14	78

Subject	Addressee	Date	File
ELECTIONS			
Elections—Constitution—Presidential Preference Primary	J.T. Waggoner, Jr.	Oct. 29	37
Elections—Notice—Statutes	Jimmy W. Holley	Nov. 5	49
Bullock County—Funds—Elections	William W. Dillard, Jr.	Nov. 21	Exam. of Pub. Accts.
Filing requirements—Corrupt Practices Act	Don Siegelman	Nov. 21	Secretary of State
Elections—Election Officials—Voting	G.M. Smitherman	Dec. 14	78
EMPLOYEES, EMPLOYER AND EMPLOYMENT			
Secretary of Calhoun County Comm. subject to civil service system.	Guy Sparks	Oct. 15	12
County Revenue Commissioner's Office—Employees—Salaries	Robert H. Kirksey	Oct. 19	15
Tax Collector—Marion County—authorized to hire full time clerk.	Lynn W. Cantrell	Oct. 30	39
Highway Department—Captive Counties—Employee Benefits	Mack V. McCollum	Nov. 2	48
Taxation—Employees, Employer, Employment—Withholding Tax	Bettye Frink	Nov. 21	Auditor
EMPLOYEES' RETIREMENT SYSTEM			
Retirement Systems—Statutes—Creditable Service	William C. Walsh	Nov. 29	Retirement
Retirement—Walker County—Hospital Boards	William C. Walsh	Dec. 6	Retirement
Lamar County—Supernumerary Sheriff—Retirement	A.A. Chandler	Dec. 6	24
Employees' Retirement System—Surviving Spouse—Benefits	David G. Bronner	Dec. 14	Retirement

EXEMPTIONS			
Standard Club not tax exempt.	Marvin D. Driver	Oct. 15	3
Ad Valorem—Taxation—Exemptions	Madge Flemming	Oct. 15	7
Alabama National Guard members not exempt from jury service.	Claudine D. Lagle	Oct. 29	38
Taxation—Sales Tax—Exemption	Bobby Denton	Nov. 2	47
EXPENSE ALLOWANCE			
Coosa County—Coroner—Expense Allowance	Lister Hill Proctor	Oct. 15	4
Judge use funds from expense allowance to purchase burglar alarm when life threatened.	S.A. Watson, Jr.	Oct. 15	11
Jury Commission—Salaries—Expense Allowance	Devon Kiker	Oct. 19	19
Tallapoosa County—District Judges—Expense Allowance	Eldon Sharpe	Nov. 2	42
Blount County Memorial Hospital Directors-Reimbursed for actual expenses.	Jack Bains	Nov. 2	43
Chilton County Commission—Expense Allowance—Statute of Limitations	John H. Jackson, Jr.	Dec. 6	67
EXPENSES			
Winston County—Hospitals—Expenses	Tillman L. Hill	Oct. 19	21
Mental Health—Contract—Recruiter—Expenses	Glenn Ireland, II	Nov. 21	Mental Health

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FEES			
Act 79-567, Alabama Legislature 1979 construed.	Charles R. Adair, Jr.	Oct. 15	9
State agencies not required to prepay docket fees.	William J. Davis	Dec. 21	Industrial Relations

Subject	Addressee	Date	File
FINANCE, DEPARTMENT OF			
Colleges and Universities—Funds—Salaries	James R. Raiford	Oct. 15	Finance
Officers and Employees—Funds—Retirement Gift or Benefit	G.C. Dean, Jr.	Nov. 2	Finance
Data Processing Equipment—Contracts—Competitive Bids	John N. Pappanastos	Nov. 8	Finance
Finance—Appropriations—Sports Hall of Fame	John N. Pappanastos	Nov. 21	Finance
Contracts—Competitive Bids—Emergencies	John N. Pappanastos	Dec. 14	Finance
FIRE DISTRICTS			
Firefighters' Commission—Fire Districts—Qualifications	Price E. Robinson	Dec. 14	Firefighters Commission
FIREFIGHTERS' COMMISSION			
Firefighters' Commission—Fire Districts—Qualifications	Price E. Robinson	Dec. 14	Firefighters Commission
FUNDS			
Social Security—Funds—Treasurer—Investments	J. Ben Swindle	Oct. 15	Social Security
Judge use funds from expense allowance to purchase burglar alarm when life threatened.	S.A. Watson, Jr.	Oct. 15	11
District Attorneys—Funds—Professional Organizations	Jimmy Evans	Oct. 19	14
Madison County may pay historian $5,000 per year.	James Record	Oct. 19	22
Building Commission—Funds—Contracts	James Sasser	Oct. 29	27
Officers and Employees—Funds—Retirement Gift or Benefit	G.C. Dean, Jr.	Nov. 2	Finance

Madison County—Funds—Legislators	Julian D. Butler	Nov. 15	52
Bullock County—Funds—Elections	William W. Dillard, Jr.	Nov. 21	Exam. of Pub. Accts.
Treasurer—Unemployment Trust Fund—Funds	Annie Laurie Gunter	Nov. 21	Treasurer
County funds—Operate additional facility for housing inmates.	J. Knox Argo	Nov. 21	57
Municipalities—Funds—Roads	Marrell Dixon	Nov. 21	60
Boards of Education purchase buses through lease-purchase.	Larry Dixon	Nov. 21	61
Expenditure of federal funds pursuant to UDAG discussed.	Johnny L. Ford	Nov. 29	66
Gadsden, City of—Funds—Community Development Program	Roger W. Kirby	Dec. 7	76

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GADSDEN, CITY OF			
Gadsden, City of—Funds—Community Development Program	Roger W. Kirby	Dec. 7	76
Gadsden, City of—Fire Marshals and Inspectors—Civil Service	Roger W. Kirby	Dec. 14	76
GULF SHORES, TOWN OF			
Town may provide for assistant or deputy treasurer.	Mixon Jones	Nov. 21	53
Gulf Shores—Insurance—Liabilities	Mixon Jones	Nov. 21	53

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HEALTH DEPARTMENT			
Health Department—Contracts—Competitive Bids	Ira L. Myers	Dec. 14	Health

Subject	Addressee	Date	File
HEALTH SERVICES			
Board of Medical Examiners—Therapeutic Research Act—Physicians	Robert Parker	Nov. 5	Medical Examiners
HIGHWAY DEPARTMENT			
Highway Department—Mines and Mining—Liability	Rex K. Rainer	Oct. 19	Highway
Highway Department—Captive Counties—Employee Benefits	Mack V. McCollum	Nov. 2	48
Highway Department—Leases—Contracts—Rental Tax	Rex K. Rainer	Dec. 6	Highway
Captive Counties—Road and Bridge Fund	Mack V. McCollum	Dec. 6	48
HOMESTEAD EXEMPTION			
Duplex not entitled to homestead exemption.	B.P. Lovelace, Jr.	Nov. 21	55
Ad Valorem Tax—Duplex—Homestead Exemption	T.D. Little	Nov. 21	59
HOSPITALS			
Winston County—Hospitals—Expenses	Tillman L. Hill	Oct. 19	21
Hospitals—Contracts—Competitive Bid Law	Ralph Smith, Jr.	Oct. 29	29
Walker County—Retirement—Hospital Boards	William C. Walsh	Dec. 6	Retirement
	—I—		
INDUSTRIAL RELATIONS, DEPARTMENT OF			
State agencies not required to prepay docket fees.	William J. Davis	Dec. 21	Industrial Relations

INSURANCE			
Self-Insurance Program—Competitive Bid Law—Contract	Doug Cook	Nov. 2	41
Gulf Shores—Insurance—Liabilities	Mixon Jones	Nov. 21	53
Insurance—Agents—Licenses	H.H. Sumrall, Jr.	Nov. 26	Insurance
Self-insurance program of City of Decatur discussed.	Bill J. Dukes	Dec. 14	77
INTER VIVOS GIFTS			
Inter Vivos Gift Act discussed.	W.H. Kerns	Nov. 29	Medical Services Admn.
	— J —		
JACKSON COUNTY			
Jackson County—Medical Clinic—Contracts—Competitive Bid	John E. Adams	Nov. 21	62
JAILS			
Coffee County—Taxation—Jails	James L. Sawyer	Oct. 11	1
JUDICIAL ARTICLE			
Judicial Article—Judges—Term of Office	Sam W. Taylor	Nov. 2	46
JUDGES			
Judge use funds from expense allowance to purchase burglar alarm when life threatened.	S.A. Watson, Jr.	Oct. 15	11
Crenshaw County—District Court—Judges—Salaries	I.T. Harbin	Oct. 19	16
Judicial Article—Judges—Term of Office	Sam W. Taylor	Nov. 2	46
District Attorneys—Municipal Court Judge—Conflict of Interest	Fitzhugh A. Burttram	Dec. 14	81

Subject	Addressee	Date	File
JUDICIAL INQUIRY COMMISSION			
Chief Justice approve out-of-state travel for Judicial Inquiry Comm. members, officers, and employees.	Robert P. Bradley	Nov. 21	Judicial Inquiry Commission
JURY COMMISSION			
Jury Commission—Salaries—Expense Allowance	Devon Kiker	Oct. 19	19
JURY DUTY			
Alabama National Guard members not exempt from jury service.	Claudine D. Lagle	Oct. 29	38
— L —			
LAMAR COUNTY			
Lamar County—Supernumerary Sheriff—Retirement	A.A. Chandler	Dec. 6	24
LAW ENFORCEMENT			
Peace Officers Training Comm.—Minimum Standards—Police Officers	Claud E. McCoy	Oct. 15	13
District Attorneys—Funds—Professional Organizations	Jimmy Evans	Oct. 19	14
Pardon and Parole Board—Law Enforcement Officers—Pay and Allowances	David H. Williams	Oct. 29	Pardon & Parole
Conservation Department—Law Enforcement Officers	Jimmy B. Pool	Oct. 29	28
Handling of persons arrested by municipal officers for felonies.	Joseph M. Sparks	Dec. 6	75

LAWRENCE COUNTY			
Lawrence County—Pensions & Security—Officers & Employees	Jerry G. Graham	Nov. 21	58
LEASES			
Highway Department—Leases—Contract—Rental Tax	Rex K. Rainer	Dec. 6	Highway
LEGISLATION			
Constitutionality of Act 79-346 to be determined by courts.	Leo A. Grimes	Nov. 2	44
Constitutionality of Act 79-812 to be determined by courts.	Joe B. Broadwater	Dec. 6	A.B.C. Bd.
LEGISLATORS			
Madison County—Funds—Legislators	Julian D. Butler	Nov. 15	52
LIABILITIES			
Gulf Shores—Insurance—Liabilities	Mixon Jones	Nov. 21	53
LICENSES AND PERMITS			
Revocation of nurse's license is public information.	Betty Tomlin	Oct. 19	Nursing
Municipalities—Licenses and Permits—Taxation	R.L. Black	Oct. 19	20
Insurance—Agents—Licenses	H.H. Sumrall, Jr.	Nov. 26	Insurance
Nursing, Board of—Licenses—Offices and Officers	Betty Tomlin	Dec. 6	Nursing
Architects—License—Municipalities	Charles L. Murphree	Dec. 14	79
LOCAL LAWS			
Retirement Systems—Local Laws	David G. Bronner	Nov. 5	Retirement
Constitutionality of Act 79-812 to be determined by courts.	Joe B. Broadwater	Dec. 6	A.B.C. Bd.

Subject	Addressee	Date	File
MACON COUNTY			
Attorney-client relationship terminated by Board of Education.	Evans H. Harris	Dec. 6	72
MADISON COUNTY			
Madison County—Establish State/County Work Release Program.	R.G. Britton	Oct. 15	Corrections
Judge use funds from expense allowance to purchase burglar alarm when life threatened.	S.A. Watson, Jr.	Oct. 15	11
Madison County may pay historian $5,000 per year.	James Record	Oct. 19	22
Madison County—Funds—Legislators	Julian D. Butler	Nov. 15	52
Madison County—Tax Assessor—Ad Valorem	Wayland Cooley	Nov. 21	63
MARION COUNTY			
Tax Collector of Marion County authorized to hire full time clerk.	Lynn W. Cantrell	Oct. 30	39
MEDICAL EXAMINERS, BOARD OF			
Medical Examiners—Physicians—Therapeutic Research Act	Robert Parker	Nov. 5	Medical Examiners
MEDICAL SERVICES ADMINISTRATION			
Inter Vivos Gift Act discussed.	W.H. Kerns	Nov. 29	Medical Services
MENTAL HEALTH			
Mental Health—Dues—Council	O.D. Alsobrook	Oct. 19	17
Mental Health—Mental Retardation			

MENTAL HEALTH, DEPARTMENT OF			
Mental Health—Contract—Recruiter—Expenses	Glenn Ireland, II	Nov. 21	Mental Health
MERIT SYSTEM			
Merit System—Personnel—National Guard Military Affairs	J.S. Frazer	Oct. 29	Personnel
MINES AND MINING			
Highway Department—Mines and Mining—Liability	Rex K. Rainer	Oct. 19	Highway
MOBILE COUNTY			
Mobile County—Tax Collector—Stamp Tax	Freda P. Roberts	Oct. 15	2
MONTGOMERY COUNTY			
Standard Club not tax exempt.	Marvin D. Driver	Oct. 15	3
Tax Assessor—Tax Collector—Officers and Offices	Marvin D. Driver W.V. Lyerly	Oct. 29	3
County funds-Operate additional facility for housing inmates.	J. Knox Argo	Nov. 21	57
MOTOR VEHICLES			
Tax Assessor—Motor Vehicles—Commissions	C.L. Ingram	Oct. 29	34
Motor Vehicle License Tax—Penalties	Bobby Denton	Nov. 15	47
MUNICIPAL COURT			
Attorneys—Conflict of Interest—Municipal Court	Arthur F. Fite, III	Dec. 6	71

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District Attorneys—Municipal Court Judge—Conflict of Interest	Fitzhugh A. Burttram	Dec. 14	81
MUNICIPALITIES			
City of Sheffield—Salaries—City Commissioners	James L. Sparks	Oct. 15	8
Mayor and Commissioners of Dothan—Salary increase discussed.	Wade H. Baxley	Oct. 19	18
Municipalities—Licenses and Permits—Taxation	R.L. Black	Oct. 19	20
Municipalities—Real Estate—Sale and Lease	Jimmy F. Carnes	Oct. 19	23
Town may provide for assistant or deputy treasurer.	Mixon Jones	Nov. 21	53
Gulf Shores—Insurance—Liabilities	Mixon Jones	Nov. 21	53
Municipalities—Funds—Roads	Marrell Dixon	Nov. 21	60
Expenditure of federal funds pursuant to UDAG discussed.	Johnny L. Ford	Nov. 29	66
Municipalities—Waste Disposal	William M. Bouldin	Dec. 6	69
Gadsden, City of—Funds—Community Development Program	Roger W. Kirby	Dec. 7	76
Decatur, City of—Self-insurance program discussed.	Bill J. Dukes	Dec. 14	77
Attalla-Prisons and Prisoners	Clarence F. Rhea	Dec. 14	80
Architects—License—Municipalities	Charles L. Murphree	Dec. 14	79

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NATIONAL GUARD			
Alabama National Guard members not exempt from jury service.	Claudine D. Lagle	Oct. 29	38
Merit System—Personnel—Veteran's Preference	J.S. Frazer	Oct. 29	Personnel
NOTARY PUBLIC			
Notary public must be qualified elector and resident of state.	Richard H. Ramsey, III	Oct. 15	5
NOTICE			
Elections—Notice—Statutes	Jimmy W. Holley	Nov. 5	49
NURSING, BOARD OF			
Revocation of nurse's license is public information.	Betty Tomlin	Oct. 19	Nursing
Nursing, Board of—Licenses—Offices and Officers	Betty Tomlin	Dec. 6	Nursing

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OFFICE OF PROFIT			
Juvenile Probation Officer partially compensated by county may not serve on County Comm.	Ronald J. Green	Nov. 21	54
OFFICERS AND EMPLOYEES			
Funds—Officers and Employees—Retirement Gift or Benefit	G.C. Dean, Jr.	Nov. 2	Finance
Chief Justice approve out-of-state travel for Judicial Inquiry Comm. members, officers, and employees.	Robert P. Bradley	Nov. 21	Judicial Inquiry Comm.
Juvenile Probation Officer partially compensated by county may not serve on County Comm.	Ronald J. Green	Nov. 21	54

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Lawrence County—Pensions & Security—Officers & Employees	Jerry G. Graham	Nov. 21	58
OFFICES AND OFFICERS			
Notary public must be qualified elector and resident of state.	Richard H. Ramsey, III	Oct. 15	5
Mayor—Commissioners of Dothan—Salary increase discussed.	Wade H. Baxley	Oct. 19	18
Tax Assessor—Tax Collector—Offices and Officers	Marvin D. Driver W.V. Lyerly	Oct. 29	3
Town may provide for assistant or deputy treasurer.	Mixon Jones	Nov. 21	53
Nursing, Board of—Licenses—Offices and Officers	Betty Tomlin	Dec. 6	Nursing
Pelham, City of—Salaries—Offices and Officers	Burk Dunaway	Dec. 21	83
OPINIONS OVERRULED, MODIFIED OR WITHDRAWN			
Opinion regarding prepayment of docket fees dated 6/29/79 overruled by opinion dated 12/21/79 to William J. Davis.	William J. Davis	Dec. 21	Industrial Relations
— P —			
PARDON AND PAROLE BOARD			
Pardon and Parole Board—Law Enforcement Officers—Pay and Allowances	David H. Williams	Oct. 29	Pardon & Parole

PAY AND ALLOWANCES			
Pardon and Parole Board—Law Enforcement Officers—Pay and Allowances	David H. Williams	Oct. 29	Pardon & Parole
PEACE OFFICERS TRAINING COMMISSION			
Minimum Standards—Peace Officers Standards and Training Act—Police Officers	Claud E. McCoy	Oct. 15	13
PELHAM, CITY OF			
Pelham, City of—Salaries—Offices and Officers	Burk Dunaway	Dec. 21	83
PENALTIES			
Taxation—Motor Vehicle License Tax—Penalties	Bobby Denton	Nov. 15	47
PENSIONS AND SECURITY			
Lawrence County—Pensions and Security—Officers and Employees	Jerry G. Graham	Nov. 21	58
PERSONNEL			
Merit System—Personnel—Veteran's Preference	J.S. Frazer	Oct. 29	Personnel
PHYSICIANS			
Medical Examiners—Physicians—Therapeutic Research Act	Robert Parker	Nov. 5	Medical Examiners
PICKENS COUNTY			
County Revenue Commissioner's Office—Employees—Salaries	Robert H. Kirksey	Oct. 19	15
Pickens County—Public School & College Authority—Contracts	William W. Carpenter	Dec. 28	85

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PINE HILL, TOWN OF			
Sheriff has no authority to impose curfew.	H.E. Swearingen	Nov. 2	45
POLICE OFFICERS			
Peace Officers Training Comm.—Minimum Standards—Police Officers	Claud E. McCoy	Oct. 15	13
PRESIDENTIAL PREFERENCE PRIMARY			
Elections—Constitution—Presidential Preference Primary	J.T. Waggoner, Jr.	Oct. 29	37
PRISON AND PRISONERS			
Madison County—Establish State/County Work Release Program.	R.G. Britton	Oct. 15	Corrections
County funds—Operate additional facility for housing inmates.	J. Knox Argo	Nov. 21	57
Board of Corrections—Sentences—Prisons and Prisoners	R.G. Britton	Dec. 6	Corrections
Handling of persons arrested by municipal officers for felonies.	Joseph M. Sparks	Dec. 6	75
Attalla—Prisons and Prisoners—Municipalities	Clarence F. Rhea	Dec. 14	80
Inmates refusing psychological tests may be disciplined.	R.G. Britton	Dec. 21	Corrections
PROPERTY			
Agency for Federal Property Assistance—Inspections—Surplus Property	N.J. Kitchens	Nov. 29	Agency for Fed. Prop. Assistance

PUBLICITY AND INFORMATION, BUREAU OF			
Bureau of Publicity and Information—Welcome Center Employees—Uniforms	Caroline S. Cavanaugh	Oct. 19	Publicity & Information
PUBLIC SCHOOL AND COLLEGE AUTHORITY			
Pickens County—Public School & College Authority—Contracts	William W. Carpenter	Dec. 28	85
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REAL ESTATE			
Municipalities—Real Estate—Sale and Lease	Jimmy F. Carnes	Oct. 19	23
REAL PROPERTY			
Colleges & Universities—Real Property—University of Montevallo	Walter Owens	Oct. 26	26
Section 40-7-15, **Code of Alabama 1975**, construed.	Ralph P. Eagerton, Jr.	Oct. 29	Revenue
REORGANIZATION			
Conservation Dept.—Reorganization	Richard A. Forster	Dec. 6	Conservation
RETIREMENT SYSTEMS			
Madison County—Funds—Retirement Systems	James Record	Oct. 19	22
Retirement Systems—Local Laws	David G. Bronner	Nov. 5	Retirement
Retirement Systems—Statutes—Creditable Service	William C. Walsh	Nov. 29	Retirement
Retirement—Walker County—Hospital Boards	William C. Walsh	Dec. 6	Retirement
Employees' Retirement System—Surviving Spouse—Benefits	David G. Bronner	Dec. 14	Retirement

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ROADS, HIGHWAYS, BRIDGES			
Municipalities—Funds—Roads	Marrell Dixon	Nov. 21	60
Captive Counties—Road and Bridge Fund	Mack V. McCollum	Dec. 6	48
RUSSELL COUNTY			
Jury Commission—Salaries—Expense Allowance	Devon Kiker	Oct. 19	19
RUSSELLVILLE, CITY OF			
Municipalities—Waste Disposal	William M. Bouldin	Dec. 6	69
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SALARIES			
Colleges and Universities—Funds—Salaries	James R. Raiford	Oct. 15	Finance
Municipalities—Salaries—City Commissioners	James L. Sparks	Oct. 15	8
County Revenue Commissioner's Office—Employees—Salaries	Robert H. Kirksey	Oct. 19	15
Crenshaw County—District Court—Judges—Salaries	I.T. Harbin	Oct. 19	16
Mayor/Commissioners of Dothan—Increase in salaries discussed.	Wade H. Baxley	Oct. 19	18
Jury Commission—Salaries—Expense Allowance	Devon Kiker	Oct. 19	19
Salaries of Tax Assessor's staff including overtime paid from county general fund.	A.A. Chandler	Oct. 19	24
Colbert County—District Judges—Salaries	Bruce Gargis	Dec. 14	82
Pelham, City of—Salaries—Offices and Officers	Burk Dunaway	Dec. 21	83

SALE AND LEASE			
Municipalities-Real Estate—Sale and Lease	Jimmy F. Carnes	Oct. 19	23
SALES TAX			
Taxation—Sales Tax—Exemption	Bobby Denton	Nov. 2	47
SCOTTSBORO, CITY OF			
Municipalities—Licenses and Permits—Taxation	R.L. Black	Oct. 19	20
SECRETARY OF STATE			
Filing requirements—Corrupt Practices Act	Don Siegelman	Nov. 21	Secretary of State
SENTENCES			
Board of Corrections—Sentences—Prisons and Prisoners	R.G. Britton	Dec. 6	Corrections
SHEFFIELD, CITY OF			
Municipalities—Salaries—City Commissioners	James L. Sparks	Oct. 15	8
SHERIFFS			
Sheriff has no authority to impose curfew.	H.E. Swearingen	Nov. 2	45
Lamar County—Supernumerary Sheriff—Retirement	A.A. Chandler	Dec. 6	24
SOCIAL SECURITY			
Social Security—Funds—Treasurer—Investments	J. Ben Swindle	Oct. 15	Social Security
SPORTS HALL OF FAME			
Sports Hall of Fame—Appropriations	John N. Pappanastos	Nov. 21	Finance

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SPOT LIGHTING			
Statutes—Criminal Law—Spot Lighting	David K. Howard	Oct. 29	35
STAMP TAX			
Mobile County—Tax Collector—Stamp Tax	Freda P. Roberts	Oct. 15	2
STATE AGENCIES			
Conservation Department—Reorganization	Richard A. Forster	Dec. 6	Conservation
State agencies are not required to prepay docket fees.	William J. Davis	Dec. 21	Industrial Relations
STATE EMPLOYEES			
Annual Leave—State Employees	John W. Pemberton	Nov. 21	65
STATUTES			
Statutes—Criminal Law—Spot Lighting	David K. Howard	Oct. 29	35
Elections—Notice—Statutes	Jimmy W. Holley	Nov. 5	49
Retirement Systems—Statutes—Creditable Service	William C. Walsh	Nov. 29	Retirement
SUPERNUMERARY STATUS			
Lamar County—Supernumerary Sheriff—Retirement	A.A. Chandler	Dec. 6	24
SURFACE MINING RECLAMATION COMMISSION			
Surface Mining Reclamation Comm.—Forfeiture—Reclamation Bonds	Virgil Willett	Oct. 15	SMRC
Appointment of members to Surface Mining Reclamation Commission.	Virgil Willett	Nov. 2	SMRC

TALLADEGA, CITY OF			
Handling of persons arrested by municipal officers for felonies.	Joseph M. Sparks	Dec. 6	75
TALLADEGA COUNTY			
Constitutionality of Act 79-812 to be determined by courts.	Joe B. Broadwater	Dec. 6	A.B.C. Board
TALLAPOOSA COUNTY			
Act 79-567, Alabama Legislature 1979 construed.	Charles R. Adair, Jr.	Oct. 15	9
Tallapoosa County—District Judges—Expense Allowance	Eldon Sharpe	Nov. 2	42
TAX ASSESSOR			
Tax Assessor on salary entitled to coverage—County insurance plan.	Carolyn R. Middleton	Oct. 15	10
Salaries of Tax Assessor's staff including overtime—Paid from county general fund.	A.A. Chandler	Oct. 19	24
Tax Assessors—Motor Vehicles—Commissions	C.L. Ingram	Oct. 29	34
Tax Assessor—Tax Collector—Offices and Officers	Marvin D. Driver W.V. Lyerly	Oct. 29	3
Motor Vehicle License Tax—Taxation—Penalties	Bobby Denton	Nov. 15	47
Madison County—Tax Assessor—Ad Valorem	Wayland Cooley	Nov. 21	63
TAXATION			
Coffee County—Jails—Taxation	James L. Sawyer	Oct. 11	1
Ad Valorem—Taxation—Exemptions	Madge Flemming	Oct. 15	7
Municipalities—Licenses and Permits—Taxation	R.L. Black	Oct. 19	20

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Ad Valorem Taxes—Boards of Education	Robert W. Clemmons	Oct. 29	33
Ad Valorem Taxes—Boards of Education	Carl M. Boley	Oct. 29	32
Taxation—Sales Tax—Exemption	Bobby Denton	Nov. 2	47
Taxation—Motor Vehicle License Tax—Penalties	Bobby Denton	Nov. 15	47
Taxation—Employees, Employers, Employment—Withholding Tax	Bettye Frink	Nov. 21	Auditor
Ad Valorem—Duplex—Homestead Exemption	T.D. Little	Nov. 21	59
Madison County—Tax Assessor—Ad Valorem	Wayland Cooley	Nov. 21	63
Choctaw County—Court Costs—Taxation	Faye M. Brown James A. Christopher	Nov. 21	64
Highway—Rental Tax—Contract—Leases	Rex K. Rainer	Dec. 6	Highway
TAX COLLECTOR			
Mobile County—Tax Collector—Stamp Tax	Freda P. Roberts	Oct. 15	2
Tax Assessor—Tax Collector—Offices and Officers	Marvin D. Driver W.V. Lyerly	Oct. 29	3
Tax Collector of Marion County authorized to hire full time clerk.	Lynn W. Cantrell	Oct. 30	39
Constitutionality of Act 79-346 to be determined by courts.	Leo A. Grimes	Nov. 2	44
TEACHERS' RETIREMENT SYSTEM			
Retirement Systems—Statutes—Creditable Service	William C. Walsh	Nov. 29	Retirement

TERM OF OFFICE			
Judicial Article—Judges—Term of Office	Sam W. Taylor	Nov. 2	46
TREASURER			
Social Security—Funds—Treasurer—Investments	J. Ben Swindle	Oct. 15	Social Security Treasurer
Treasurer—Unemployment Trust Fund—Funds	Annie Laurie Gunter	Nov. 21	
TUSKEGEE, CITY OF			
Expenditure of federal funds pursuant to UDAG discussed.	Johnny L. Ford	Nov. 29	66
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UNEMPLOYMENT TRUST FUND			
Treasurer—Unemployment Trust Fund—Funds	Annie Laurie Gunter	Nov. 21	Treasurer
UNIFORMS			
Bureau of Publicity & Information—Welcome Centers Employees—Uniforms	Caroline S. Cavanaugh	Oct. 19	Publicity & Information
UNIVERSITY OF MONTEVALLO			
Colleges and Universities—Real Property—University of Montevallo	Walter Owens	Oct. 26	26
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VENUE			
District Attorneys—Venue—Forgery—Criminal Law	S. Sanford Holliday	Nov. 21	56
VOTING			
Elections—Voting—Election Officials	G.M. Smitherman	Dec. 14	78

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WALKER COUNTY			
Retirement—Walker County—Hospital Boards	William C. Walsh	Dec. 6	Retirement
Walker County—Board of Education—Professional Leave	John T. Brown	Dec. 6	73
WASTE DISPOSAL			
Municipalities—Waste Disposal	William M. Bouldin	Dec. 6	69
WELCOME CENTERS			
Bureau of Publicity & Information—Welcome Center Employees—Uniforms	Caroline S. Cavanaugh	Oct. 19	Publicity & Information
WINSTON COUNTY			
Winston County—Hospitals—Expenses	Tillman L. Hill	Oct. 19	21
WITHHOLDING TAX			
Taxation—Employees, Employers, Employment—Withholding Tax	Bettye Frink	Nov. 21	Auditor
WORK RELEASE PROGRAM			
Madison County—Establish State/County Work Release Program	R.G. Britton	Oct. 15	Corrections